IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE FOURTH DAY OF OCTOBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE BILAL NAZKI

and
THE HON'BLE MR JUSTICE S.ANANDA REDDY

WRIT PETITION NO : 17526 of 2004

Between:

Lanco Kondapalli Power Private Limited,

A Private Limited Company duly incorporated under the Companies Act, 1956, having its office at Lanco House,

141 Avenue # 8, Banjara Hills,
Hyderabad - 500 034

..... PETITIONER

AND

1 Union of India, through the Joint Secretary, Ministry of Law, Finance and Company Affairs, having its office at Shasthri Bhavan, R. P. Road, New Delhi.

2 The Assistant Commissioner of Customs, Office of the Deputy Commissioner of Customs, Kakinada -I, Division, Custom House, Kakinada - 533 007

3 The Commissioner of Customs & Central Excise , Visakhapatnam II Commissionerate, Port Area,
Visakhapatnam - 530 035

4 Customs, Excise & Service Tax (Appellate) Tribunal, South Zonal Bench, FKCCI Complex, K.G.Road, Banglore - 560 009

5 Canara Bank, (Branch Manager)

Industrial Finance Branch,
TSR Complex, Secunderabad - 500 003

6 Chohung Bank 42, Jolly Maker Chambers,(Branch Manager)

225, Nariman Point, Mumbai - 400 021

7 Vysya Bank,(Branch Manager)

72, St.Marks Road, Banglore - 560 001 and branch at 7000, SP Road Branch Secunderabad - 500 003

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an appropriate Writ, Order or direction, more particularly a Writ in the nature of Mandamus, or any other appropriate Writ, order or direction under Article 226 calling for the papers and proceedings relating to the case and after going into the legality and validity thereof:

a. Interdict the Respondents 1&2 from covering the tax covered by impugned order No.12/2004 dated 31-05-2004 until disposal of the said application by the 4th respondent; and

b. Interdict the Respondents 1&2 from invoking/encashing the Bank Guarantees drawn on Canara bank vide Bank Guarantee Nos.2657/BG 0672003 dated 06-05-2003, 2657 BG 0702003 dated 13-05-2003, 2657 BG 0802003 dated 29-05-2003, drawn on Chohung Bank vide Bank Guarantee No.5020868001 dated 27-03-2002, and drawn on Vysya Bank vide Bank TDR No.B047181 dated 08-02-2003 for realisation of the said tax amount covering impugned order No.12/2004

c. Restrain the Respondents 2 & 3 and every other officer of Respondent No.1 from invoking the above bank Guarantees and Term Deposit Receipt issued by Respondents 5 to 7 till the disposal of this petition;

d. To direct the respondents 2 and 3 every other officer of the respondent No.1 steps for recovery of the amounts disputed until disposal of the stay application by and before the respondent No.4.

Counsel for the Petitioner: MR.D.SESHADRI NAIDU

Counsel for the Respondents: MR.ARAJASHEKAR REDDY (SC FOR CG)

The Court made the following

O R D E R (Per the Hon'ble Sri Justice Bilal Nazki):

Learned counsel for the petitioner seeks permission of this Court to withdraw the writ petition.

Permission is granted. The writ petition is accordingly dismissed as withdrawn. No order as to costs.

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(BILAL NAZKI, J)

4th October, 2004.

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(S.ANANDA REDDY, J)

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To

1 The Joint Secretary, Union of India, Ministry of Law, Finance and Company Affairs, at Shasthri Bhavan, R. P. Road, New Delhi.

2 The Assistant Commissioner of Customs, Office of the Deputy Commissioner of Customs, Kakinada -I, Division, Custom House, Kakinada - 533 007

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8 Two CD copies.